

**TOWN OF BUENA VISTA, COLORADO**  
**ORDINANCE NO. 4**  
**(SERIES OF 2010)**

**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF  
BUENA VISTA, COLORADO, AMENDING SECTION 16-64 AND ADDING  
SECTION 16-65 OF THE BUENA VISTA MUNICIPAL CODE.**

**WHEREAS**, Section 16-64 of the Buena Vista Municipal Code regulates Appeals from Decisions of the Board of Trustees; and

**WHEREAS**, it is the desire of the Town to add a new section, 16-64 Temporary Vendors, to regulate temporary vendors within Town Limits; and

**WHEREAS**, the best fit for this new section is after Section 16-63 Temporary Use, thereby necessitating rearranging the code to create a new section, 16-65 Appeals from Decisions of Board of Trustees; and

**WHEREAS**, the Planning and Zoning Commission reviewed this amendment on January 20, 2009 and recommends approval; and

**WHEREAS**, the Board of Trustees, after proper public notice, held a public hearing on said amendment February 9, 2010.

**NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, THAT:**

1. Section 16-64 Appeals from decisions of Board of Trustees be repealed and re-ordained as section 16-65 of the Buena Vista Municipal Code.
2. Section 16-64 Temporary Vendors shall be added as follows:

Temporary Vendors are those activities and associated structures that may be allowed on a nonpermanent and temporary basis upon review of the proposed nature, location, and duration, and their compatibility with surrounding uses and structures within an underlying zone district.

(1) Except as otherwise provided in this Section, no Temporary Vendor shall be located or permitted in any residential zone district except upon review and approval of the Board of Trustees in accordance with the procedures, standards, and limitations set forth in this Section. Likewise, no Temporary Vendor shall be located or permitted in any nonresidential zone district except upon review and approval by the Town Administrator or his/her designee in accordance with the procedures, standards, and limitations set forth in this Section.

(2) No person shall conduct business as a Temporary Vendor without first obtaining a permit from the Town of Buena Vista and paying the required fee. It shall be unlawful for any person to sell any goods or services on a temporary basis within the Town of Buena Vista except

as provided by this Section.

(3) Temporary Vendor Permits shall be issued subject to such safeguards, terms, and conditions as deemed necessary and appropriate by the Board of Trustees or Town Administrator to protect and preserve the intent and purpose of this Chapter. Violations of any of the terms and conditions imposed on a Temporary Vendor shall be deemed to be violations of this Section and shall be punishable under the general penalty provisions of this Code.

(4) Applications for a Temporary Vendor permit shall be made to the Town on forms provided therefore. A reasonable fee shall be charged for each application, and a site plan and/or other drawing and information as deemed necessary by the Town Administrator may be required as part of the application.

(5) Prior to rendering a decision on a permit application, the Town Administrator or their designee, shall require that a written notice be prominently posted on the property subject to the application stating that an application for a Temporary Vendor permit has been submitted to the Town for approval, describing the proposed use, and informing all interested persons that any objections or comments concerning the permit application and/or proposed permit must be submitted in writing and received by the Town by a specified date certain, such date being not less than two (2) business days prior to the date of any decision on the permit application. In addition to the posted notice, written notice of the proposed Temporary Vendor permit application shall be sent by regular mail to the owners of all properties that abut or adjoin the subject property (excluding public rights-of-way) not less than five (5) business days prior to the date of any decision rendered by the Town on the permit application. Such written notice shall contain the same information as required for the posted notice previously described. Upon review of all information, including objections filed within a timely manner, the permit shall be granted or denied as deemed necessary and appropriate.

(6) All applications for a Temporary Vendor permit in a residential zone district shall follow the process set forth in Section 16-63 (4)-(6) of the Town Code.

(7) Temporary Vendor permits shall be granted, as applicable, by the Board of Trustees by written resolution or by the Town Administrator or his/her designee by written order, but only after findings that the proposed Temporary Vendor will not adversely impact the neighborhood or the public safety and welfare. In determining whether to grant a permit, the Board of Trustees and Town Administrator or their designee shall consider, as applicable, the following factors:

- (a) The location, size, design, operating characteristics and visual impacts of the proposed use or structure.
- (b) The ingress and egress to the property and proposed structures, with particular reference to automotive and pedestrian safety, convenience, traffic flow and access in case of fire or catastrophe. The location of the Temporary Vendor may not lead to or cause congestion or blocking of vehicle traffic in the right-of-way or pedestrian traffic on the sidewalk and shall not be placed in right-of-way

sight triangles as determined by the Public Works Department.

- (c) Off-street parking and loading areas, and the noise, glare or odor effects of the Temporary Vendor on adjoining properties and the neighborhood generally.
- (d) Refuse and service areas.
- (e) Utilities, with reference to location, availability and compatibility.
- (f) Signs, lighting, screening and buffering with reference to type, dimensions and character.

Each Vendor is allowed to have two signs; no one sign shall exceed 12 square feet in size. Signs must be constructed of durable materials; temporary banner signs will only be allowed as provided for in Section 16-242 (7) Temporary Signs of the Buena Vista Municipal Code. Signs proposed to exceed the minimum must be reviewed under the Comprehensive Sign Plan process as outlined in Section 16-242 (5) of the Buena Vista Municipal Code.

(8) Only one Temporary Vendor may be located on one property at any one period of time. Vendors associated with a Special Event are exempt from this ordinance.

(9) Permits for Temporary Vendors shall be granted for a period not to exceed more than one hundred eighty (180) days in one calendar year.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 9<sup>th</sup> day of February, 2010.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM ADOPTION.**

TOWN OF BUENA VISTA, COLORADO

By: *Cara Russell*  
Mayor, Cara Russell

ATTEST:

*Diane Spomer*  
Town Clerk, Diane Spomer

(SEAL)